

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

CHARLES N. BELSSNER,

Plaintiff,

v.

LAS VEGAS METROPOLITAN POLICE
DEPARTMEN.,

Defendant.

Case No. 2:17-cv-02016-JCM-GWF

REPORT AND RECOMMENDATION

This matter is before the court on Plaintiff's failure to comply with the court's Order (ECF No. 7). This matter is referred to the undersigned pursuant to 28 U.S.C. § 636(b)(1)(B) and LR IB 1-4 of the Local Rules of Practice.

Plaintiff is proceeding in this action *pro se* and he submitted a complaint on July 24, 2017. *See Complaint* (ECF No. 1-1). The court issued an Screening Order (ECF No. 4) granting Plaintiff permission to proceed *in forma pauperis* and screening the complaint pursuant to 28 U.S.C. § 1915(e). The undersigned found that Plaintiff's complaint failed to state a valid claim and allowed him until August 2, 2018, to file an amended complaint. The Screening Order warned Plaintiff that a failure to file an amended complaint addressing the deficiencies explained by the court would result in a recommendation to the district judge that this case be dismissed.

On August 22, 2018, the court entered an Order to Show Cause (ECF No. 5) directing Plaintiff to "show cause, in writing, no later than August 31, 2018, why this matter should not be dismissed for a failure to file an amended complaint." However, he was also informed that filing an amended complaint would satisfy the court that sanctions are not warranted and no further response would be required. On September 6, 2018, Plaintiff filed his Amended Complaint (ECF No. 6) and the Court screened his amended complaint. The undersigned found that Plaintiff's amended complaint again failed to state a valid claim and allowed him until December 7, 2018, to file a second amended complaint. Plaintiff was again warned that failure to file an amended

1 complaint would result in a recommendation to the district judge that this case be dismissed. To
 2 date, Plaintiff has not filed an amended complaint, requested an extension of time, or taken any
 3 other action to prosecute this case. Accordingly,

4 **IT IS RECOMMENDED** that Plaintiff's Complaint (ECF No. 6) be DISMISSED.

5 **IT IS FURTHER RECOMMENDED** that the Clerk of the Court be instructed to close
 6 the case and enter judgment accordingly.

7 Dated this 19th day of December, 2018.

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 9 
 10 GEORGE FOLEY JR.
 11 UNITED STATES MAGISTRATE JUDGE

12 **NOTICE**

13 This Report of Findings and Recommendation is submitted to the assigned district judge
 14 pursuant to 28 U.S.C. § 636(b)(1) and is not immediately appealable to the Court of Appeals for
 15 the Ninth Circuit. Any notice of appeal to the Ninth Circuit should not be filed until entry of the
 16 district court's judgment. *See* Fed. R. App. Pro. 4(a)(1). Pursuant to LR IB 3-2(a) of the Local
 17 Rules of Practice, any party wishing to object to a magistrate judge's findings and
 18 recommendations of shall file and serve *specific written objections*, together with points and
 19 authorities in support of those objections, within 14 days of the date of service. *See also* 28 U.S.C.
 20 § 636(b)(1); Fed. R. Civ. Pro. 6, 72. The document should be captioned "Objections to Magistrate
 21 Judge's Report of Findings and Recommendation," and it is subject to the page limitations found
 22 in LR 7-3(b). The parties are advised that failure to file objections within the specified time may
 23 result in the district court's acceptance of this Report of Findings and Recommendation without
 24 further review. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). In addition,
 25 failure to file timely objections to any factual determinations by a magistrate judge may be
 26 considered a waiver of a party's right to appellate review of the findings of fact in an order or
 27 judgment entered pursuant to the recommendation. *See Martinez v. Ylst*, 951 F.2d 1153, 1156 (9th
 28 Cir. 1991); Fed. R. Civ. Pro. 72.